

### REMARKS

Claims 1-6 and 45-49 are pending in the application. Non-elected claims 7-44 and 50-64 are withdrawn from consideration. No claims are currently amended. Reconsideration of each of the rejected claims is respectfully requested in view of the remarks below.

#### Rejections under 35 U.S.C. § 102

Claims 1 and 45-47 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4369538 to Smedal (hereinafter "Smedal"). Claim 1 which is representative, in part, or the other rejected claims recites:

- I. A method of providing access from a first marine structure comprising a vessel navigable under its own power to a second marine structure, comprising:
  - providing a gangway apparatus in a stored condition on the first marine structure;
  - maneuvering the first marine structure so that it is proximate the second marine structure;
  - providing at least one **guide wire attached to the first marine structure, the gangway apparatus being attached or attachable to a said guide wire by means of one or more slidable fixings;**
  - extending the at least one guide wire from the first marine structure and connecting the at least one guide wire between a location on the first marine structure and an attachment location on the second marine structure proximate the location of entry to the second marine structure;
  - controlling and, where necessary, adjusting the position of the first marine structure so that it is maintained in spaced apart relation to the second marine structure, and maintaining the at least one guide wire at a desired tension;
  - moving the gangway apparatus from the stored condition to a use condition by **sliding the slidable fixing(s) along a said guide wire** until the gangway apparatus spans the gap between the first marine structure and location of entry to the second marine structure.

The Examiner erroneously asserted that Smedal discloses "a gangway (1, 10) attached to a guide wire (7) via a slidable fixing (Figures 1 and 4, for example)." Office Action, page 2, lines 15 - 16. Applicant respectfully submits that, contrary to the Examiner's characterization, Smedal describes "a rigid gangway 1 hinged at 2 to a base 3 rotatable on the platform 4 by the support bearings 5, on a vertical axis." Col. 1, line 68 - col. 2, line 2. The gangway [1] of

Smedal is neither attached or attachable to a guide wire by slidable fixings nor moved from a stored condition to a use condition by sliding slidable fixings along the wire as particularly claimed.

Applicants further submit that element [10] of Smedal is a collapsible bellows, not a gangway such as gangway [1]. "The collapsible bellows 10 is supported by lines 7 in operation condition and fixed to the frame 9 at 15, 15'. In stowed position, the bellows 10, supporting lines and the frame 9 are retracted in the rigid gangway 1 and the gangway itself is stowed in a horizontal position on the platform deck... When connection is established, the collapsible bellows 10 containing a walkway can be brought on the supporting lines 7 over to the transfer vessel 14." Col. 2, lines 9 - 25. Applicant submits that Smedal is silent about "slidable fixings" and about sliding slidable fixings along a guide wire.

Applicant submits that the support lines 7 of Smedal do not disclose "guide wires" as particularly claimed. Applicant submits that no guide wires are required by Smedal because a collapsible bellows can extend or retract along the support lines without requiring any directional guidance. Smedal is silent about any guide wires or guiding function of the support lines 7.

The Examiner asserted that "[t]here is a runway (1,3,) upon which the gangway is slid along. Applicant respectfully submits that, contrary to the examiner's characterization, neither element 1 or element 3 a "runway upon which a gangway is slid along." Applicant can find no reference in Smedal to a such runway, or any reference of sliding a gangway along anything. In fact, the Smedal reference does not include any instances of the term "runway" or "slide" or refer to any sliding elements at all.

Since Smedal does not disclose each and every element of claim 1, Applicant respectfully submits that the rejections of claims 1 and 45 - 47 are improper and should be withdrawn. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-6, and 45-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Smedal as applied in the above referenced §102 rejections. Applicant respectfully traverses the rejections under §103 for at least the reasons set forth above in the Applicant's response to the rejections under 35 U.S.C. §102 which are incorporated here by reference.

The Examiner admitted that "Smedal does not teach an inflatable member; however, the [E]xaminer takes official notice that inflatable members are commonly used on marine gangway devices in order to obtain a desired degree of buoyancy in a marine environment." Office action, page 3, lines 19 - 21. Applicant traverses the official notice and respectfully submits that, whether or not it would have been obvious to have utilized an inflatable float or buoy which might be common on marine gangway devices for flotation purposes and for fenders, for example, such inflatable devices do not teach or suggest the claimed "inflatable member."

Each of the claims having an "inflatable member" recite "an inflatable member attached to said guide wire by said slidable fixings and transformable by inflation thereof from a compact state to an extended state ...causing said inflatable fixings to slide along the guide wire as the inflatable member expands." Applicant respectfully submits that the inflatable devices that are commonly used in gangways for fenders and flotation are not analogous and do not teach or suggest any such inflatable member, let alone any inflatable member that is part of an expandable gangway apparatus as claimed.

The Examiner also asserted that "...there is no patentable distinction in this instance if the marine structures are fixed on vessels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Smedal on any marine structure regardless of whether it was fixed on a vessel in order to obtain access between the structures." Office action, page 3, lines 14-17. Applicant respectfully submits that, contrary to the Examiners' assertion, Smedal describes a "[s]ystem for offshore transfer of persons and goods, preferably between a supply vessel and a stationary platform or a moored drilling/production platform or vessel..." Abstract, lines 1-4. Figures 1 and 2a-2d of Smedal show "a rigid gangway 1 hinged at 2 to a base 3 rotatable on the platform 4 by the support bearing 5 or a vertical axis." Applicant submits that one of ordinary skill in the art would not view the marine structures to which each end of the

apparatus is attached as interchangeable or that the apparatus could be used on any marine structure, at least because the base 3, platform 4 and bearing 5 would not be suitable for installing on a typical transfer vessel. The apparatus of Smedal is shown and described as being stowable on the marine structure having the base 3, platform 4 and bearing 5, not on the transfer vessel 14. See col. 2, lines 35-40, 48-54.

Applicants claimed "first marine structure comprising a vessel navigable under its own power" is distinct from the second marine structure which may be movable or fixed. The claimed "apparatus in a stored condition on the first marine structure" which is a maneuverable vessel navigatable under its own power" is not disclosed or suggested by Smedal. The claimed apparatus and method is suitable and adapted for stowing on a transfer vessel whereas persons skilled in the art would recognize that the apparatus described in Smedal is not.

Since Smedal does not teach or suggest every element of the amended claims 1-6 and 45-49, Applicant respectfully submit that the rejections of claims 1-6 and 45-49 are overcome. Reconsideration is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, and for at least the reasons set forth herein, it is respectfully submitted that claims 1-6 and 45-49 presently are believed to be in condition for allowance. Allowance and issuance is earnestly solicited.

If the Examiner should have any questions concerning this communication the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2896 therefore.

Respectfully submitted,

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